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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,700	07/11/2001	Taizou Hori	35.C13989 DI	4474

5514 7590 02/23/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/901,700

Applicant(s)

HORI ET AL.

Examiner

James A. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 February 2007 has been entered.

Response to Arguments

2. Applicant's arguments filed 12 February 2007 have been fully considered but they are not persuasive.

In re page 4, Applicant's Representative notes that the Examiner refers to "Navco" as part of his grounds of rejection of claims 27, 36, 45, and 47-51, but did not cite any disclosures attributable to Navco, and thus caused confusion on the part of the Applicant and his Representative.

The Examiner apologizes for his error in citing a reference he was considering using in the Office Action, but on further search decided on Takimoto, which provided clearer disclosures of the claimed features of the application. Unfortunately, the reference to Navco was not removed from the rejection header.

Further in re page 4, Applicant's Representative states: "Claim 52 recites, inter alia, a memory writing unit configured to write the information signal reproduced by the reproduction unit into the memory unit in different manners in accordance with the

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discrimination result of the mode discrimination unit." Applicant's Representative continues: "Applicants respectfully submit that said figure [Takimoto 3] shows, e.g., that the operation of writing data into video memory 104 is stopped, after track # 5 for LP, 10 for SP, and 20 for HP, but that such constitutes neither a description nor a suggestion of at least the above-discussed claimed features."

The Examiner respectfully disagrees. The broadly claimed "different manners" is clearly met by Takimoto's different number of tracks written to the memory in the different reproduction modes. The Examiner notes that clarification of the manners claimed would likely remove Takimoto's disclosures from consideration.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 52 is rejected under 35 U.S.C. 102(b) as being anticipated by Takimoto (5,966,496).

Regarding claim 52, Takimoto discloses an apparatus for reproducing information signals recorded in a plurality of recording modes each having different amounts of information signal recorded per unit time (Figures 1, 2, and 5) comprising:

- a reproduction unit configured to reproduce information signals recorded in the plurality of modes from a recording medium (Fig. 2, items 4 & 5);

- a mode discrimination unit configured to discriminate a recording mode of the information signal reproduced by the reproduction unit (Col 7, line 45);
- a tracking unit configured to control tracking between the recording medium and the reproduction unit (Fig, 2, items 6-15);
- a control unit configured to control a tracking control procedure by the tracking unit in different manners, in accordance with a discrimination result of the mode discrimination unit (Col 6, lines 59-64); and
- a memory unit configured to store the information signal reproduced by said reproduction unit (Fig 11, item 104); and
- a memory writing unit configured to write the information signal reproduced by the reproduction unit into the memory unit in different manners in accordance with the discrimination result of the mode discrimination unit (Fig. 12, items S45, S49, and S52).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAF
16 February 2007


James J. Groody
Supervisory Patent Examiner
Art Unit 2622621